

REMARKS

INTRODUCTION:

In the Office action mailed September 8, 2004, claims 1, 5, 9, and 12 are rejected under 35 U.S.C. 103(a) and claims 2-4, 8, 10, and 13 are objected to as being dependent upon a rejected base claim. In accordance with the remarks and amendments included in this Response, the foregoing objections and rejections are respectfully overcome.

ALLOWABLE SUBJECT MATTER

On page 8, numbered paragraph 6 of the Office action, the Examiner indicated that claims 2-4, 8, 10, and 13 have allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 2, 3 and 8 are rewritten in independent form including all of the limitations of the base claim 1. In light of the foregoing, Applicant respectfully requests that claims 2, 3 and 8 be allowed.

AMENDMENT OF CLAIMS 2, 5, 6, AND 13:

Claims 2, 5, 6, and 13 of the present application are amended. Claim 2 is amended and is further rewritten in independent form to include all of the limitations of base claim 1. Claims 5, 6, and 13 are each amended to depend from independent claim 2 and do not contain any substantive changes.

Amended Claim 2

Claim 2 of the present application, as amended, in part recites: "... said pivot lever being connected to said motive-power transmitting member through a first connecting shaft parallel to said attaching shaft such that said pivot lever is pivotable relative to said motive-power transmitting member about said first connecting shaft, and a connecting link connected to said pivot lever through a second connecting shaft parallel to said attaching shaft such that said connecting link is pivotable relative to said pivot lever about said second connecting shaft, said connecting link being connected to said output member through a third connecting shaft parallel to said second connecting shaft such that said connecting link is pivotable relative to said output member about said third connecting shaft ..."

None of the references relied upon by the Examiner teaches or suggests all of the above claimed features of amended claim 2. Neither Herring, U.S. Patent 3,643,524, nor Janosi, U.S. Patent 3,678,779, teaches or suggests at least the connecting link element of amended claim 2.

In the Office action dated September 8, 2004, the Examiner relies on Ichiba, U.S. Patent 5,970,817, for disclosing the connecting link claimed in the present application. On page 7 of the Office action, the Examiner asserts that Ichiba shows a pedal device having a connecting link 76 and a pivot lever 74 connected by an attaching shaft 72, and a motive-power transmitting member 18 and the pivot lever 74 connected by a first connecting shaft (on the left side of the lever). Thus, the pedal ratio relation to the pedal movement of Ichiba is provided much differently than the pedal ratio relation recited in amended claim 2 of the present application.

Contrary to the pedal device of Ichiba, for example, amended claim 2 of the present application recites in part that the pivot lever is connected to the motive-power transmitting member “through a first connecting shaft parallel to said attaching shaft” and a connecting link is connected to the pivot lever by “through a second connecting shaft parallel to said attaching shaft.”

Thus, in a non-limiting example of claim 2 of the present application, a first and a second connecting shaft are provided with a pivot lever, such that when a pedal is depressed, each of the first and second connecting shafts pivot (rotate) relative to an attaching shaft provided with the pivot lever. Accordingly, it is possible to vary the characteristic of the pedal ratio in relation with a depressing stroke, thereby increasing the degree of freedom of the pedal ratio. The increased degree of freedom for the pedal ratio improves pedal maneuverability because it enables a more accurate adjustment of the position for the depressible portion, e.g., pedal, in the longitudinal direction of a vehicle.

Therefore, Applicants respectfully assert that claim 2 patentably distinguishes over the combination of the references cited relied upon by the Examiner and is allowable.

Regarding the rejection of claims 4-7 and 13, Applicants note that these claims depend from independent claim 2 and are, thus, allowable for at least the reasons as set forth above.

NEW CLAIM 15:

Claim 15 is added to depend from independent claim 3. Claim 15 is identical to allowable dependent claim 5, except that it depends from independent claim 3. Therefore, Applicants respectfully assert that new claim 15 patentably distinguishes over the references relied upon by the Examiner for at least the reasons that dependent claim 5 patentably distinguishes over the references relied upon by the Examiner.

CONCLUSION

In accordance with the foregoing, claims 2, 3, 5, 6, 8, and 13 are amended, claim 15 is

Serial No. 09/977,248

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

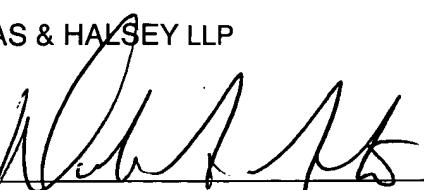
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

By: 
Derek A. Auito
Registration No. 52,576

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501